

United States Court of Appeals
for the
District of Columbia Circuit



**TRANSCRIPT OF
RECORD**

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Court of Appeals, District of Columbia

APRIL TERM, 1910.

No. 2133.

718

No. 12, SPECIAL CALENDAR.

DISTRICT OF COLUMBIA, PLAINTIFF IN ERROR,

vs.

SHONG LEE.

IN ERROR TO THE POLICE COURT OF THE DISTRICT OF COLUMBIA.

FILED MARCH 4, 1910.

Court of Appeals, District of Columbia

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In the Court of Appeals of the District of Columbia.

No. 2133.

DISTRICT OF COLUMBIA, Plaintiff in Error,
vs.
SHONG LEE.

a In the Police Court of the District of Columbia, January Term, 1910.

No. 349815.

DISTRICT OF COLUMBIA
vs.
SHONG LEE.

Information for Violation of Health Law.

Be it remembered, that in the Police Court of the District of Columbia, at the City of Washington, in the said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above entitled cause, to wit:

1 (*Information.*)

In the Police Court of the District of Columbia, January Term, A. D. 1910.

THE DISTRICT OF COLUMBIA, ss:

Edward H. Thomas, Esq., Corporation Counsel, by James L. Pugh, Jr., Assistant Corporation Counsel, who for the District of Columbia prosecutes in this behalf in his proper person, comes here into Court, and causes the Court to be informed, and complains that Shong Lee, late of the District of Columbia aforesaid, on the 8th day of December, in the year A. D. nineteen hundred and nine, in the District of Columbia aforesaid, and in the City of Washington, on New Hampshire Avenue, northwest, being the occupant and owner of a certain hand-laundry serving patrons in excess of ten, where clothing, sheets, pillow-cases, table-cloths and other articles belonging to others are laundered for pay, did fail to report that fact to the Health Officer in writing within five days, giving the name of the owner and location of premises wherein said laundry is located and the number of persons and families whom he serves; contrary to and in violation of the Laws and Regulations relating to the Public Health

DISTRICT OF COLUMBIA VS. SHONG LEE.

in the District of Columbia, and constituting a law of the District of Columbia.

EDWARD H. THOMAS,
Corporation Counsel,
By JAMES L. PUGH, JR.,
Assistant Corporation Counsel.

Personally appeared D. E. Langley, this 3rd day of February, A. D. 1910, and made oath before me that the facts set forth in the foregoing information are true, and those stated upon information received he believes to be true.

J. B. PEYTON,
Deputy Clerk Police Court of the District of Columbia.

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Bill of Exceptions.

In the Police Court of the District of Columbia.

No. 349815.

DISTRICT OF COLUMBIA
vs.
SHONG LEE.

Be it remembered that at the trial of this cause, which came on for a hearing on the ninth day of February, A. D. 1910, before the Honorable Alexander R. Mullowny, one of the Judges of the Police Court of the District of Columbia, the following motion to quash the information was filed, to wit:

In the Police Court of the District of Columbia.

Information No. 349815.

DISTRICT OF COLUMBIA
vs.
SHONG LEE.

Now comes the defendant by his counsel, and moves the Court to quash the information filed against him herein upon the following grounds:

1. The facts averred constitute no offense under the laws in force in the District of Columbia at the time of the alleged commission thereof or at the time of the filing of the information herein.
2. The order of the Commissioners of July 23, 1908, as amended by the order of August 7, 1908, upon which the information herein — based, is in conflict with the Act of Congress of July 1, 1902, imposing, among other things, a tax upon laundries, and therefore void.
3. Said order, upon which said information is based, is unreasonable and oppressive, and therefore void.
4. The defendant is not within the class intended to be reached by the regulation herein.

THOMPSON & LASKEY,
Attorneys for Defendant.

And, thereupon, the following agreed statement of facts was filed and consolidated with the motion to quash, to wit:

3 In the Police Court of the District of Columbia.

Information No. 349815.

DISTRICT OF COLUMBIA
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SHONG LEE.

The case is submitted to the Court by counsel for the respective parties upon the following agreed statement of facts, and it is agreed that said agreed statement of facts be consolidated with and made a part of the motion to quash herein.

The defendant, Shong Lee, has kept a laundry at the corner of New Hampshire Avenue and U Street, N. W., in the City of Washington, District of Columbia, continuously for the past eight years, and has continuously during said eight years, and is now, serving persons or families living independently of one another, largely in excess of ten. The defendant commonly laundered for pay on said premises and has done so continuously for the past eight years and was so doing at the time of the filing of the information herein. All the work done in said laundry by the defendant and his assistants is done by hand. Since the passage in 1902 of the Act imposing a license tax of Ten dollars per annum upon hand laundries, the defendant has annually paid said tax and been given a license to conduct his said business, and is now licensed to conduct the same during the current license year from November 1, 1909, to November 1, 1910. In obtaining his license from the Assessor for the District of Columbia, the defendant has annually stated his full name, the business he conducts and the location at which said business is carried on, as required by Paragraph 1 of Section 7 of the Act of July 1, 1902, imposing said license tax, and the information given by him was and is recorded by the Assessor upon the records of his office, which said office is now and since 1902 continuously has been in the same building as the Health Office for said District.

Prior to the filing of the information herein, the defendant was told by an inspector of the Health Department to go to the Health Office and register his full name and the location of his aforesaid laundry in a book kept there for such purpose. The defendant did not comply with said request and has not registered at the Health Office his full name and the location of his aforesaid laundry, and has not reported to the Health Officer as the regulation involved herein requires.

JAMES L. PUGH,
Assistant Corporation Counsel for the District of Columbia.
JOHN E. LASKEY,
For the Defendant Shong Lee.

Upon hearing argument of counsel for the respective parties the Court afterwards, to wit: on the fifteenth day of February, 1910,

sustained said motion to quash the information and discharged the defendant.

Whereupon counsel for the District of Columbia excepted to the rulings of the Court on matters of law, which exceptions
4 were duly noted by the Court upon his minutes, and thereupon the District of Columbia, by James L. Pugh, Assistant Corporation Counsel, gave notice in open court at the time of said rulings of its intention to apply to a Justice of the Court of Appeals of the District of Columbia for a writ of error.

The District of Columbia, by its said counsel, therefore prays the Court to settle, sign and seal this its bill of exceptions, which is accordingly done now for then this fifteenth day of February, A. D. 1910.

ALEX. R. MULLOWNY, [SEAL.]
Judge of the Police Court of the District of Columbia.

(*Copy of Docket Entries.*)

In the Police Court of the District of Columbia, January Term, A. D. 1910.

No. 349815.

DISTRICT OF COLUMBIA
vs.
SHONG LEE.

Information for Violation of Health Law.

Thursday, February 3, 1910.—Continued to Feb. 9, 1910.

Feb. 9, 1910.—Agreed statement of facts and motion to quash the information filed.

Motion to quash argued by counsel and submitted.

Feb. 15, 1910.—Motion to quash information granted and defendant discharged.

Exceptions taken to the rulings of the Court on matters of law and notice given by the Assistant Corporation Counsel on behalf of the District of Columbia, in open Court at the time of said rulings, of his intention to apply to a Justice of the Court of Appeals of the District of Columbia for a writ of error.

Feb. 23, 1910.—Writ of error received from the Court of Appeals of the District of Columbia.

6 In the Police Court of the District of Columbia.

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, Frank A. Sebring, Clerk of the Police Court of the District of Columbia, do hereby certify that the foregoing pages, numbered from 1 to 5 inclusive, to be true copies of originals in cause No. 349,815 wherein the District of Columbia is plaintiff and Shong Lee defendant, as the same remain upon the files and records of said Court.

In testimony whereof I hereunto subscribe my name and affix the seal of said Court, — the City of Washington, in said District, this 3rd day March, A. D. 1910.

[Seal Police Court of District of Columbia.]

FRANK A. SEBRING,
Clerk Police Court, Dist. of Columbia.

[Endorsed:] No. 349815. District of Columbia vs. Shong Lee.
Transcript of Record.

7 UNITED STATES OF AMERICA, ss:

The President of the United States to the Honorable Alexander R. Mullowny, Judge of the Police Court of the District of Columbia, Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said Police Court, before you, between District of Columbia, plaintiff, and Shong Lee, defendant, Information No. 349,815 a manifest error hath happened, to the great damage of the said Plaintiff as by its complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Court of Appeals of the District of Columbia, together with this writ, so that you have the same in the said Court of Appeals, at Washington, within 15 days from the date hereof, that the record and proceedings aforesaid being inspected, the said Court of Appeals may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Seth Shepard, Chief Justice of the said Court of Appeals, the 23d day of February, in the year of our Lord one thousand nine hundred and ten.

[Seal Court of Appeals, District of Columbia.]

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

Allowed by

SETH SHEPARD,
*Chief Justice of the Court of Appeals
of the District of Columbia.*

Endorsed on cover: District of Columbia Police Court. No. 2133. District of Columbia, plaintiff in error, vs. Shong Lee. Court of Appeals, District of Columbia. Filed Mar. 4, 1910. Henry W. Hodges, clerk.